

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

PINKIE LYLES

VS.

TEXAS ALCOHOL BEVERAGE
COMMISSION

§
§
§
§
§
§

CIVIL ACTION NO. H-08-1648

ORDER

On February 6, 2009, Plaintiff, Pinkie E. Lyles, filed a "First Amended Complaint." On February 23, 2009, the Defendant, Texas Alcohol Beverage Commission, filed its "Motion to Strike Plaintiff's First Amended Complaint" alleging that the Amended Complaint was filed without its consent and without leave of court as required by Rule 15(a) of the Federal Rules of Civil Procedure.

TABC's Motion appears meritorious, cf. United States Ex Rel. Mathews v. Healthsouth Corp., 332 F.2d 293, 296-7 (5th Cir. 2003); however, since Lyles is before the Court *pro se* it is **ORDERED** that she **SHALL** file a response to the Motion to Strike no later than **March 13, 2009**.

DONE at Galveston, Texas, this _____ 3rd _____ day of March, 2009.



John R. Froeschner
United States Magistrate Judge